



Attorney Pocket No.: 12005-002001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mien-chie Hung et al.

Serial No. : 09/637,190

Filed : August 11, 2000

Title : PREDICTING SURVIVAL OF PATIENTS WITH SQUAMOUS CELL
CARCINOMA

Art Unit : ~~Unknown~~ 1642

Examiner : ~~Unknown~~ Canella

Commissioner for Patents
Washington, D.C. 20231

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**TRANSMISSION OF DECLARATION
OF DR. MEIN-CHIE HUNG UNDER 37 C.F.R. § 1.132**

Enclosed is the Declaration of Dr. Mein-Chie Hung Under 37 C.F.R. § 1.132.

Through an inadvertent error, this document was not filed together with the Response to Office Action Dated August 2, 2001, mailed November 2, 2001 (copy enclosed.)

Applicants also enclose a Petition for a one-month extension of time, with a check for the required fee.

Respectfully submitted,

Date: 11-5-01

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Reg. No. 34,053

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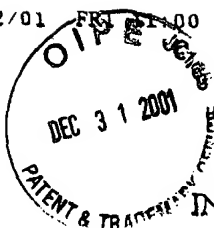
CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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Signature Deborah R. Nast

Typed or Printed Name of Person Signing Certificate
DEBORAH R. NAST



Attorney Packet No.: 12005-002001

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DECLARATION OF DR. MIEN-CHIE HUNG UNDER 37 C.F.R. § 1.132

I, Mien-Chie Hung, hereby declare:

1. I, Mien-Chie Hung, am Professor and Chairman of Department of Molecular and Cellular Oncology, and Director of Breast Cancer Basic Research Program at University of Texas M. D. Anderson Cancer Center, Houston, Texas.
2. I am one of the three co-inventors of the subject matter described and claimed in the above-captioned patent application. The other two co-inventors are Weiya Xia and Yiu-Keung Lau.
3. I am also a co-author of a publication entitled "High tumoral maspin expression is associated with improved survival of patients with oral squamous cell carcinoma" (Oncogene, 2000, Volume 19, pages 2398-2403). Weiya Xia, Yiu-Keung Lau, Mickey C-T Hu, Lei Li, Dennis A Johnston, Shi-jie Sheng, and AK El-Naggar are also listed as co-authors. The publication is cited by the Examiner as Xia *et al.* in an Office Action mailed August 2, 2001 in the present application.
4. Five of the co-authors of the above-mentioned publication, Mickey C-T Hu, Lei Li, Dennis A Johnston, Shi-jie Sheng, and AK El-Naggar, are not co-inventors of the subject matter therein. Unlike the named co-inventors, Mickey C-T Hu, Lei Li, Dennis A Johnston, Shi-

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DEBORAH R. NAST

Applicant : Mien-chie Hung *et al*
Serial No. : 09/637,190
Filed : August 11, 2000
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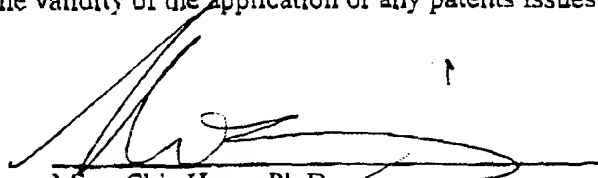
Attorney's Packet No.: 12005-002001

jie Sheng, and AK El-Naggar did not make conceptual contributions to the subject matter described and claimed in this application. In particular, Mickey C-T Hu helped with a Northern blot experiment, both Lei Li and AK El-Naggar provided some tumor tissues, Dennis A Johnston helped with statistic analysis, and Shi-jie Sheng provided an antibody. Hence, they are not named as co-inventors.

5. All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issues thereon.

Date:

Nov. 2, 2001



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